

REMARKS

The last Office Action has been carefully considered.

It is noted that the claims currently on file are rejected under 35 U.S.C. 102 over the U.S. patents to Schuster, Coughlin, Harrison, Hay, Maeyarert, Ligon, Klingler, Schuster, SR, Gowing, Gabas, Blendea, Klingler, Dosch, Blendea, and Frank.

The claims are rejected under 35 U.S.C. 112.

At the same time the Examiner indicated that claims 3-6, 9, 11, 14 are generally allowable.

In view of the Examiner's rejection of the claims, the original claims have been canceled and replaced with a new set of claims 15-28.

In the new set of claims, claim 17, includes the features of allowable claim 3 and therefore this claim should be considered as being in allowable condition, together with claims 18 and 19 which depend on it.

Claim 23 corresponds to original claim 9, claim 25 corresponds to original claim 11, and claim 28 corresponds to original claims 14, which were indicated as allowable by the Examiner, and therefore these claims are now also in allowable condition.

In connection with the Examiner's formal rejection of the claims, the claims have been drafted in compliance with the Examiner's requirements, and therefore the grounds for the rejection of the claims under 35 U.S.C. 112 should be considered as not tenable and should be withdrawn.

Claim 15, the broadest claim on file, substantially corresponds to the features of claim 1, but in addition defines a frame, a convex cushioned plate provided with means that slide in relation to said frame, a push-pull cable having first and second ends with said first end fixed to an end of said cushion plate, a sheath in which said cable freely slides and which has first and second ends with said first end of said sheath fixed to said frame and to one end of said cushioned plate; a control device to which said second end of said push-pull cable and of said sheath is fixed, said control device being configured to determine, by moving said push-pull cable in one direction and in another direction, adjustment of a position of said cushioned plate of said frame, or adjustment of convexity of said cushion plate if said first end of said sheath is fixed to said plate, wherein the movement of said push-pull cable in both directions inside said sheath is

obtained by a cylindrical slider sliding a tubular body which is rotatable by said control device to cause the movement of said push-pull cable in said directions.

Turning now to the references applied by the Examiner against the original claims, it is respectfully submitted that these references do not teach the above mentioned new features of the present invention which are now defined in claim 15. Since the original claim 1 was rejected as being anticipated by the above listed references, it is believed to be advisable to cite the decision in re Lindenman Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the references do not disclose each and every element of the structure of the present invention as now defined in claim 15. Therefore, the anticipation rejection of claim 1 should be considered as not tenable with respect to claim 15 and should be withdrawn.

Claim 15 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on claim 15, they share its allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

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